



A THREAT TO "STABILITY"

Human Rights Violations in Macedonia

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I. SUMMARY AND RECOMMENDATIONS

Macedonia faces difficulties on several fronts. As a former member of the Yugoslav federation, the young republic is in a transition from communism in which it must decentralize its economy, construct democratic institutions and revitalize its civil society. These tasks, demanding under any circumstances, have been made more difficult by Macedonia's proximity to the war in Bosnia. Bloody conflict in the former Yugoslavia has severely affected the country by exacerbating inter-ethnic tensions, damaging the economy and threatening stability in the region. United Nations forces have been deployed in Macedonia since 1992 to prevent a spill-over of the war.

Despite these obstacles, Macedonia has taken some important steps toward democratization since declaring its independence four and a half years ago. Substantive reform has opened the door to the European institutions and laid the foundation for a multi-party system based on the rule of law. Human rights are guaranteed in Macedonia's new

constitution and most of the relevant legislation.

Nevertheless, some serious problems remain. Although human rights principles are encoded in Macedonian law, their application remains selective and incomplete. This is partially a result of political and economic pressures in the southern Balkans, as well as of the country's communist traditions. But at times, the current Macedonian government has been directly responsible for violating the rights of its citizens.

The main human rights problem is the status of national minorities. Macedonia has a vast number of minority groups, including Albanians, Turks, Roma, Serbs, Macedonian Muslims and Vlachs, all of whom complain of state discrimination. While some of their complaints are politically motivated, the Macedonian government has not done all that it could to provide the minority populations with their basic rights, especially regarding non-discriminatory treatment in state employment and minority language education. The government has addressed some of these problems during the past four years, but the lack of substantial improvement has contributed to a deterioration in inter-ethnic relations. By far the largest and most vocal of Macedonia's ethnic communities is the Albanians, who constitute almost one-quarter of the population, according to official statistics. Despite some improvements, Albanians are still grossly underrepresented in the police force and state administration, even in areas where they constitute a majority. A highly restrictive citizenship law has left stateless some ethnic Albanians with long-standing ties and family origins in the country.

A major complaint of the ethnic Albanians concerns higher education in the Albanian language. An attempt in early 1995 to open a private Albanian-language university was deemed illegal by the state and ordered shut down. The initiative continued nonetheless, and an Albanian man was killed when police clashed with Albanians on the first day of classes. The organizers of the university were imprisoned for a brief period after a trial that failed to meet international standards - the second such trial against a group of prominent ethnic Albanians in the past two years.

But minority groups are not the only victims. All citizens of Macedonia suffer from the country's weak democratic institutions, immature political parties and economic hardships. Despite the adoption of democratic legal standards, for example, there are still many violations of due process in Macedonian courts against all citizens regardless of their ethnicity. Defendants are sometimes held in detention for longer than the twenty-four hours allowed by Macedonian law, submitted to physical abuse, denied access to a lawyer or the right to a fair trial.

One fundamental problem is the slow pace of legislative reform. Despite constitutional guarantees, which set time limits for the revision of important legislation, many of Macedonia's laws still date from the communist era. The delay has negatively affected the development of Macedonia's judicial system.

The political opposition has also complained about mistreatment by the state, including phone-tapping and police harassment. The main opposition party VMRO-DPMNU boycotted the second round of parliamentary elections in 1994 to protest what it considered altered voting lists and an outdated electoral law. International monitors from the Council of Europe and European Union reported on these irregularities but declared that they had not been serious enough to invalidate the election.

Another problem in Macedonia involves freedom of the press. The state-run company Nova Makadonja still has a virtual monopoly on printing and distribution, which severely limits the possibilities for an independent press. In May 1995, the government closed eighty-eight private radio and television stations, especially some of the more influential minority stations, allegedly for technical reasons. After protests, most were allowed to broadcast again.

These human rights problems in Macedonia are intensified by the country's tenuous economic situation. The little industry that was based in Yugoslav Macedonia has mostly ground to a halt. United Nations sanctions against

Yugoslavia, in force from May 1993 until December 1995, and an eighteen-month embargo imposed by Greece cost the economy an estimated U.S. \$4 billion dollars in lost revenue. This difficult economic situation places further strains on social relations within the country, especially between ethnic communities.

The international politics of the southern Balkans have also taken their toll on the young country. Macedonia's neighbors, known in Macedonia as "the four wolves," have exhibited behavior ranging from inhospitable to aggressive. Minority populations, irredentist movements and hostile neighboring governments all threaten the very sovereignty of the country. An active nationalist opposition at home further limits the government's maneuvering room.

The international community has recognized these threats to Macedonia's stability. A United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) monitoring mission are in Macedonia to observe and report on the internal and external threats to the country. In addition to U.N. patrols along the borders, both organizations attempt to assist the government with the process of democratization and occasionally mediate between various political forces, and especially ethnic communities.

The work of these two organizations reflects the international community's main policy goal in Macedonia: stability. Both the United States and Europe fear a spread of the war to Macedonia since the conflict could draw in Greece and possibly Turkey, both members of NATO, as well as Albania, Serbia and Bulgaria. In the name of stability, however, both the U.N. and the OSCE tend to defend the status quo in Macedonia and downplay human rights violations within the country. Only gentle criticism is directed against a friendly government that is seen as a stabilizing force.

Indeed, stability in Macedonia is critical for the Balkans. Already the starting point of two Balkan wars in this century, a war in Macedonia would have devastating effects for the region and beyond. But human rights are an integral part of establishing long-term stability. A lasting peace will only be secured when a democratic system is in place that guarantees full rights for all citizens.

Despite the difficult circumstances in which it finds itself, the Macedonian government is ultimately responsible to respect the fundamental human rights of all its citizens. Clearly, there are individuals within the government who are trying to achieve this. But there are still many instances in which the Macedonian government has not respected individual human rights, as is required by both Macedonian and international law.

RECOMMENDATIONS

Human Rights Watch/Helsinki calls on the government of Macedonia to:

- Guarantee all citizens the right to a fair trial. Macedonian law requires that defendants be informed of the reason for their arrest within forty-eight hours of their detention and have access to a lawyer.
- Expedite the process of legislative reform, as is required under the Macedonian constitution. Of particular need are new versions of the penal code and laws on civil, criminal and executive procedure.
- Investigate allegations of police abuse and improper treatment of those in detention. The government should prosecute to the fullest extent of the law all officials found to have used excessive force.
- Establish a permanent structure through which citizens may file complaints of police misconduct.
- Guarantee that prisoners' rights are respected in accordance with international law. This includes the right to be free

from torture, cruel or inhuman treatment.

- Assure that members of minority groups are granted equal rights without discrimination, in accordance with Macedonian and international law.
- Respect the constitutional right of minority groups freely to express, foster and develop their identity and national attributes.
- Allow the formation of private educational institutions on all levels. This includes adopting the necessary laws and regulations for the accreditation of private schools.
- Adopt an affirmative action plan to recruit more minorities into government positions.
- Continue and expand programs to enlist police from among Macedonia's ethnic minorities.
- Guarantee that the Council on Inter-Ethnic Relations address the problems of national minorities in good faith. Parliament should consider all of the council's proposals, as is required by law.
- Adopt liberal criteria for citizenship applicants who lived in Macedonia and considered it their primary community while it was still part of the former Yugoslavia. The norms set out in the current citizenship law might more reasonably be applied to those citizenship applicants who have never resided in former Yugoslavia or were never citizens of the state.
- Assure that the Law on Citizenship is applied in a non-discriminatory manner. Avoid arbitrary deprivation or denial of citizenship and work actively to minimize statelessness in Macedonia.
- Provide a right of appeal for those denied citizenship by establishing an impartial, non-partisan and multi-ethnic review commission.
- Guarantee that diverse viewpoints are given appropriate access to the state-run media (publications of the Nova Makedonja company and the state-run television and radio).
- Pass a broadcast law to regulate the use of radio and television frequencies by private senders. Licences to private television and radio broadcasters should be distributed in a non-discriminatory manner without regard to political content. Private broadcasters should have access to the state's network of transmitters.
- In the absence of a law on radio broadcasting, the government should allow all private radio and television stations currently holding licences from the Ministry of Information to operate freely.

II. BACKGROUND

HISTORY

The term Macedonia refers to a large area of land that stretches today across four European countries. The heart of Alexander the Great's empire, Macedonia extended roughly from the highlands of Albania in the west to the mountains in central Bulgaria, and from southern Serbia and Kosovo to the Aegean Sea in Greece.

Following Alexander's death in 323 B.C., the region fell prey to a host of foreign invaders. The Romans, Byzantines and then the Slavs all occupied this strategic piece of land that offered control of the important Balkan trade routes, both East-West and North-South. Bulgarian and Serbian medieval empires controlled the region successively until the fourteenth century when it was absorbed into the Ottoman Empire, under whose control it remained for more than 500 years.

A Macedonian identity began to take form in the late nineteenth century, mostly among intellectuals. In 1903, a revolt against Ottoman forces led to the creation of the Republic of Krushevo, which was crushed after ten days. At the same time, Greece, Bulgaria and Serbia denied the existence of a Macedonian nation and laid claim to large portions of Macedonia. By 1890, all three were supporting guerrilla movements to gain control of the region.

The Turks were expelled from Macedonia after the Balkan Wars of 1912 and 1913, and the region was divided up among the three victorious states - Bulgaria, Serbia and Greece. Each state began aggressive campaigns to assimilate the populations within their respective territories.

During World War Two, Yugoslavia was occupied by the Germans, who granted large sections of what is now Macedonia to both the Bulgarians and the Albanians. Both were expelled in 1945 when the partisan leader Josip Broz Tito established the Socialist Republic of Macedonia as the southernmost part of the Yugoslav federation.

The official recognition of the Macedonian identity was a strategic move by Tito to integrate Macedonia into the new Yugoslavia. He purposefully fostered a distinct Macedonian language and culture to delegitimize the territorial claims of Macedonia's neighbors, as well as to differentiate Macedonians from Serbs, who he feared might dominate the new federation. As a result, Greeks and Bulgarians now claim that the Macedonian identity is nothing more than an artificial communist creation.

The establishment of the Socialist Republic of Macedonia also left large Macedonian minorities in Greece, Bulgaria and, to a lesser extent, Albania. Both Bulgaria and Greece denied, and continue to deny, that any significant Macedonian minority exists in their countries. An estimated 40,000 (Greek government figure) to 250,000 (Macedonian government figure) ethnic Macedonians still live in Greece today and are denied their basic rights, such as freedom of expression and religion. Ethnic Macedonian refugees who fled northern Greece after the Greek Civil War of 1946-49, as well as their descendants who identify themselves as Macedonians, are denied permission to regain their citizenship or to visit northern Greece.¹

During the communist period, Macedonia was the poorest of the six Yugoslav republics, contributing only 5-7 percent of the national gross domestic product.² Landlocked and without significant natural resources, it relied heavily on transfers from Croatia and Slovenia, and economic cooperation with the other republics, especially Serbia. Remittances from Macedonians living abroad provided a major source of income to individual families.

The republic was, and still is, a multi-ethnic region inhabited by Macedonians, Albanians, Turks, Roma, Serbs, Macedonian Muslims and Vlachs, among others. The 1974 Yugoslav constitution granted minority groups some basic rights with regard to education, religion and language use. The Albanians, for example, had a university in Prishtina, the capital of Kosovo, and were allowed to speak Albanian in the local governments where they constituted a majority. But minority rights were by no means complete, and any political activism along ethnic lines was punishable by long-term imprisonment. Albanians, in particular, were severely punished for expressions of national identity.

Following the lead of Slovenia and Croatia, Macedonian citizens voted for independence from Yugoslavia in a national referendum on September 8, 1991. Only 72 percent of the registered voters took part in the referendum, but, of those who voted, 95 percent were in favor of independence.³ On November 11, 1991, the independent republic held its

first multi-party elections. The nationalist party Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNU) won 37 of the 120 seats, and parliament elected Kiro Gligorov, a former member of the Yugoslav Presidency, as Macedonian President.

The first government, known as a non-party government of experts, fell to a vote of no-confidence in July 1992. As the political party with the most seats in parliament, VMRO-DPMNU was charged with assembling a new government. It failed in this task, and a new government was formed by a coalition called the Alliance of Macedonia made up of the Social Democratic Union (successors to the communists), Liberal Party and the (ethnic Albanian) Party for Democratic Prosperity. The coalition lacked a two-thirds majority, however, and was unable to proceed with fundamental reform. Ethnic Albanian and VMRO deputies often boycotted sessions, leaving parliament without a quorum.

Despite this, parliament did succeed in approving a new constitution that declared Macedonia a "sovereign and independent state, as well as a civil and democratic one." The twenty-five ethnic Albanian members of parliament abstained from the vote, claiming that certain articles were discriminatory against non-ethnic Macedonians in the country. Of particular concern to them was the constitution's preamble, which declares Macedonia "a national state of the Macedonian people," with "full equality" for other nationalities. Ethnic Albanians, as well as the other minority groups, saw this as the first step in the establishment of a Macedonian national state in which minority groups would be second-class citizens. For many ethnic Macedonians, the Albanians' abstentions called into question their loyalty to the young Macedonian state.

The second parliamentary elections, held in October 1994, helped the Alliance for Macedonia consolidate power, but not without controversy. Kiro Gligorov's party, the Social Democrats (SDS), gained a majority of the votes in the first round, while the opposition VMRO-DPMNU did worse than expected. Claiming electoral fraud, VMRO-DPMNU boycotted the second round of the elections and is not represented in the parliament today.⁴ Council of Europe monitors admitted that there were voting irregularities, but did not consider them serious enough to affect the outcome of the elections. After the second round of voting, the SDS secured 58 seats, the Liberal Party 29 and the PDP 10. With a clear two-thirds majority, the new coalition has been able to pass some key pieces of legislation, including a restructuring of the courts, education system and local government.

Much of the new government's energy has been directed toward earning international recognition for Macedonia. Despite meeting all the requirements outlined by the European Community, Macedonia was slow in gaining international recognition, due primarily to protests from Greece.⁵ In April 1993, Macedonia was accepted into the United Nations under the name "Former Yugoslav Republic of Macedonia" (FYROM). After an accord signed with Greece in September 1995, Macedonia was accepted into the Council of Europe and Organization for Security and Cooperation in Europe (OSCE), and the United States established full diplomatic relations. The border with Greece was opened, and both sides have set up diplomatic representations.

On October 3, 1995, President Gligorov was seriously injured in a terrorist attack on a Skopje street. He returned to office three months later, but the assassination attempt underlined the country's tenuous stability. The government blamed an international company operating in a neighboring country, but has not named the people it considers responsible.

In February 1996 the ruling coalition split, primarily over differences on privatization policy. The SDS and PDP restructured the government without the participation of the Liberal Party.

DEMOGRAPHICS

Macedonia is a small, mountainous country with a population of about two million. The largest ethnic group is the

Macedonians, although, like most countries in the Balkans, there is a large number of ethnic minorities. The precise size of Macedonia's ethnic communities is a matter of great debate. Throughout history, each group has tried to inflate its numbers to support territorial claims. Census figures have also been subject to political manipulation due to the complexity of Macedonia's ethnic make-up and the lability of national identity.

For example, Macedonian Muslims have historically been under pressure from various political forces to declare themselves as either ethnic Turks or Albanians. Human Rights Watch/Helsinki also encountered some individuals, mostly ethnic Roma, who declared themselves as ethnic Albanians or Macedonians to avoid discrimination.

In the past five years, there have been two censuses taken in Macedonia. The first, in 1991, was boycotted by ethnic Albanians, who claimed that it was discriminatory. As a result primarily of ethnic Albanian pressure, the international community funded and monitored a second census in 1994. The official results are:⁶

Macedonians 1,288,330 66.5%

Albanians 443,914 22.9%

Turks 77,252 4.00%

Roma 43,732 2.30%

Serbs 39,260 2.00%

Muslims - -

Bulgarians - -

Montenegrins - -

Croatians - -

Didn't state 1,962 0.10%

Yugoslavs - -

Unknown - -

Others 34,960 1.80%

TOTAL 1,936,877 100%

The European Union declared the census to be accurate and fair, but every ethnic group complained that it had been under-counted. One of the major concerns was that the census only counted those individuals who had Macedonian citizenship at the time. Since a highly restrictive citizenship law was passed in 1992, many ethnic minorities with long-standing ties to Macedonia were left without citizenship. (See chapter on citizenship.)

Most ethnic Albanians and Turks live in the rural areas of the country's western and northern region, although there is

also a large population of both groups in Skopje. Ethnic Serbs are predominantly in the north near the border with Serbia, while ethnic Roma are dispersed throughout the country in both the cities and rural areas, very often in isolated, ghetto-like areas. Macedonian Muslims live predominantly in the west.

While there are mixed neighborhoods in Skopje and even some multi-ethnic villages, the different ethnic communities mostly live separate lives, especially Albanians and Macedonians. Different schools, religions and work environments keep the ethnic communities apart from one another. Macedonia has been a place of peaceful co-habitation but has relatively little inter-ethnic communication. As the economic situation deteriorates and political lines harden, the communications gap is becoming larger, especially between Muslim Albanians and Orthodox Christian Macedonians.

ECONOMIC SITUATION

Already the poorest republic in the former Yugoslavia, Macedonia's economic status has further declined since its independence in 1991. This is partly a result of Macedonia's difficult transition to a market economy. The closure of inefficient state firms has hurt production and caused a sudden rise in unemployment, something largely unknown during communism.⁷ The government must also balance the budget, repay its foreign debt and restructure the antiquated banking system.

But it is the geopolitics of the southern Balkans that have had the most catastrophic effect on the country's economic development. First, the United Nations sanctions against Yugoslavia, imposed from mid-1992 until the end of 1995, cut Macedonia off from Serbia, previously its most important trading partner. Trading in violation of the sanctions was very common, but the flow of goods was still lower than the normal level of trade would have been with open borders.⁸

In the south, Greece imposed an embargo in April 1994 that lasted eighteen months to protest Macedonia's name, flag and articles in its constitution that, Greece claimed, implied territorial claims on the Greek province of the same name. On September 14, 1995, with the assistance of American mediators, Greece and Macedonia came to an interim agreement that involved a lifting of the embargo in return for a changing of the flag.⁹ The issue of the name remains to be resolved.

Despite this positive development, the embargo had already caused considerable damage to Macedonia by denying it access to the major port of the region, Thessaloniki. Greece's objections to Macedonia's name also delayed the country's entrance into major international organizations, such as the OSCE and Council of Europe. The lack of international recognition made it more difficult to obtain international credit and assistance from international monetary agencies like the World Bank and International Monetary Fund. Altogether, the United Nations estimates that the embargo and sanctions cost Macedonia U.S. \$4 billion in lost income.¹⁰

As a result of these conditions, economic production has dropped sharply. The government claims that gross social product per capita fell from U.S. \$1,419 in 1987 to U.S. \$720 in 1993. While it is in the government's interest to over-emphasize the effects of the embargo and sanctions, there is no question that the economy has deteriorated greatly during the past four years. Social tension has increased as a result, especially between the different ethnic communities.¹¹

DOMESTIC POLITICS

Since establishing a two-thirds majority in parliament in 1994, the Alliance for Macedonia has initiated reform in a number of key areas, such as the judiciary and education. Its biggest challenge, however, has been balancing the many competing forces that exert pressure on Macedonia, both at home and abroad.

Of primary importance on the domestic scene has been maintaining a balance between Macedonian nationalists on the one side, and Albanian extremists on the other. Nationalist parties like VMRO-DPMNU have criticized the government for granting too many concessions to ethnic Albanians who they believe have intentions to break away from the state and form a greater Albania. Ethnic Albanians, however, complain that their condition continues to deteriorate. They place particular blame on the Albanian members of the ruling coalition, the Party for Democratic Prosperity, who many ethnic Albanians believe have betrayed the Albanian cause.

Nationalist attacks have also been directed against the government's policy toward Greece. The nationalists see the decision to change the national flag in return for an end to the Greek embargo as a Macedonian defeat. They took their complaint to the constitutional court, which ruled that the interim accord with Greece was constitutional.

In February 1996 the ruling coalition began to break apart. Disagreements over domestic policy, primarily privatization, led to the Liberal Party leaving the coalition. A new government was named comprised only of the SDS and PDP.

Since 1991, the government has also maintained very close ties to the west, especially the United States, which established full diplomatic relations with Macedonia after the recent agreement with Greece. Military cooperation between the two sides has increased steadily with Macedonia becoming a member of NATO's Partnership for Peace in November 1995.

In general, the political scene is afflicted with many of the post-communist traumas familiar throughout the region, such as irresponsible politicians and a poorly informed electorate. Political party structures are still weak, and politicians have a low level of accountability to the public. A weak media and nongovernmental sector hinder the free flow of information.

INTERNATIONAL POLITICS

The bi-polar politics of the Cold War effectively quelled centuries-old tensions in the southern Balkans. But the collapse of communism and the destruction of Yugoslavia have unleashed an array of conflicting forces, many of which threaten the stability and security of the young Macedonian state.

Relations with Albania

Macedonia's sizable Albanian minority is the main point of contention between Macedonia and Albania. Since coming to power in 1992, Albanian President Sali Berisha has voiced concern for the rights of ethnic Albanians in Macedonia, sometimes drawing criticism for interfering in Macedonia's internal affairs, but generally maintaining a moderate position.

The most controversial incident occurred in early 1994 when leaders of the ruling Democratic Party helped precipitate a split in the Party for Democratic Prosperity. Two factions emerged, and Berisha supported the more radical group while criticizing the remaining members of the PDP for collaborating with the Macedonian government. Berisha toned down his comments after heavy criticism from Skopje and, more importantly, from the United States.

In early 1995, the Tirana government expressed concern about the closing of the private Albanian-language university in Tetovo. The foreign ministry released strong statements in defense of the initiative, which prompted a Macedonian response that Albania was meddling in its domestic affairs.

At other times, however, relations between the two countries have been good. When Greece imposed the embargo, Albania opened up its port in Durres for Macedonian use. Albania was also one of the first countries to recognize Macedonia and, after initial objections, supported its entrance into the OSCE. In October 1994, Albania, Macedonia and Bulgaria signed an agreement on mutual cooperation which focused on trade and communications.

Relations with Greece

Relations with Greece have been highly strained since the day of Macedonia's independence. Greek objections to Macedonia centered on the choice of its name, which Greece believes implies territorial ambitions toward the Greek province also called Macedonia. In addition, Greece objected to Macedonia's flag, the Star of Vergina, which it considers an ancient Hellenic symbol, and to articles in Macedonia's constitution that call for the protection of all ethnic Macedonians outside the country's borders. Because of these objections, Greece blocked Macedonia's acceptance into international organizations and forced the use of the name "Former Yugoslav Republic of Macedonia" (FYROM), which is how Macedonia is currently recognized at the United Nations and other international bodies.

In April 1994 Greece imposed an embargo on Macedonia that blocked all trade with the exception of humanitarian goods. The embargo was lifted on October 3, 1995, after Macedonia changed its flag. Macedonia had already amended its constitution to guarantee its respect for the inviolability of international borders and pledged not to interfere in the internal affairs of neighboring states. Shortly thereafter, Macedonia was accepted into the Council of Europe and the OSCE. As of April 1996, negotiations on the name of the country were continuing.

Another on-going dispute between the two countries involves the Macedonian minority living in Greece, some of whom identify themselves as Greek. The Greek government refuses to recognize that any minority populations are living in the country and refer to the Macedonians as "Slavo-phone Greeks." Increasingly, Maced